

9-9-10

★ SEP 17 2010 ★

Dear Judge GARAUFI,

IN A RESPONSE TO A LETTER I WROTE  
the court asking financial help from my cousin  
See Document 901 filed on 5/17/10 in Case 1:05-cr-00060 NGG  
the government states: "Basciano has three Assigned  
counsel in 05 or 060, plus two Assigned counsel in  
03 or 929. All of those counsel collectively have  
made, and no doubt will continue make, any  
motions they deem appropriate. In addition, Basciano's  
complaints as to the one Assigned counsel [George  
Goltzer] he singles out plainly have no merit." [See  
Document 905 filed on 6/02/10 in CASE 1:05-cr-00060 NGG]

Obviously the government is unaware that Mr. Goltzer  
told me that he "wasn't hired to write a habeas"

In the court's most recent decision denying my  
rule 33 the court states: "Basciano's ARGUMENT that informa-  
tion [Pertaining to newly discovered evidence revealing that  
it was "Massimo's original idea to kill Greg Anores"], UNDERMINES  
the government's evidence in support of the Attorney General's  
SAMS ORDER ARISES FROM A DIFFERENT CASE" --- "Should  
Basciano want to challenge that decision based on this  
new information, he should seek relief in that case  
under the Federal Rules of Civil Procedure" [See Document  
1157 filed 8/14/10 in 1:03-cr-00929 page 17]

I DO want to challenge "that decision."  
However, Another reason I was given by my Attorney's  
for not writing another habeas was they didn't have  
the time.

AFTER speaking with my cousin and his  
attorney Ms. Bachrach on September 1, 2010 my  
cousin has agreed in principle to pay for the  
costs of a writer for two specific areas ① To

-2-

challenge the SAMs and the conditions of my confinement based on newly discovered evidence pertaining to Berke and Barone and other evidence that the defense did not have when the original habeas was written. (2) To write a 2255 based on newly discovered evidence including but not limited to witnesses who will support the defense argument that Cicale was informed of potentially being indicted for the Santoro Murder prior to his (Cicale's) meeting with the government on November 21, 2005 despite the government's contrary assertions.

The government however believes that the relief I am seeking has no merit. [See Footnote on page two (2) of document 905 filed on 6/02/10]. I disagree. We have a trial date which is approximately five months away; February 14, 2011. My OS attorneys have indicated that in order to be prepared for trial they don't have time to be writing another habeas.

Furthermore, the government does not appear to be arguing that another habeas should not be written. They just seem as though they want to control who writes it. Why would it make a difference to the government who writes the habeas?

Thank-You, Respectfully Yours  
*Vincent J. Basiano*

Vincent J. Basiano

P.S.

- 9-10-10

During a meeting today with Ms. Stafford she informed me that the government was not going to renew my SAMs for another year.

During my last status conference Mr Goltzer

informed me that Mr. Buzetta was willing to remove the SAMs if I agreed to have my Social Visits monitored. I informed Mr. Goltzer I will not stipulate to that condition.

I also informed Ms. Stafford that I am unwilling to stipulate to my social visits being monitored especially given the fact that after the court ordered me back into population in May 2005, after the court listened to the Massimo tapes, it didn't come with any stipulations that my social visits be monitored. In the fourteen months that I was in population in MCC there was not any accusations that I attempted to pass any messages. Nor would there be now if the court ordered me back to population.

Furthermore I informed all my attorneys that the government may very well use any stipulation I make in order to remove my SAMs, as a future argument that the defense does not need the minutes to the governments ex-parte meetings with Magistrate Long since the SAMs would no longer be an issue.

SAMs has been an issue for the past four years and regardless of the governments intent to lift the SAMs the defense still needs those ex-parte minutes in order to reveal the bad faith of the governments investigation and tie that in with the theory of our defense as it relates to Massimo, Cicale and Barberi.

However, if the government is willing to admit that the list was nothing more than a Santorini list and that they now realize that their witness or witnesses have lied to them regarding the alleged "hit-list," I would then stipulate to the continuous

monitoring of my social visits. Since I have nothing to hide.

IF the government does not renew my SAMs I want it to be known it was done without me making any stipulations. And if my lawyers did stipulate to anything it was done without my knowledge or consent.

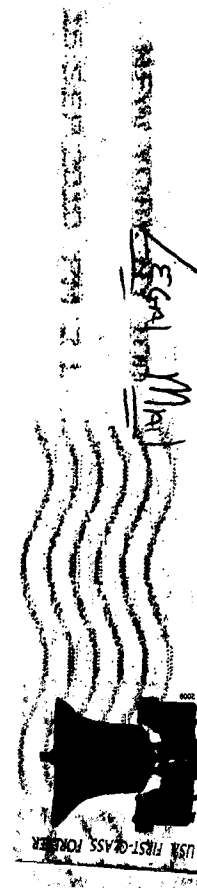
Any arguments that I will not be able to develop because of any stipulations that were made without my consent were done against my will.

Furthermore I want it to be known that those arguments or lack thereof maybe a direct result of any stipulation that were made by my attorney's against my will.

Thank-You Respectfully Yours  
Vincent J. Basciano

Vincent J. Basciano

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FILED  
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★ SEP 17 2010 ★  
BROOKLYN OFFICE

The Honorable Nicholas G. Garafis  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, N.Y. 11201



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LEGAL MAIL

I Handed this mail to A. Delaney at 8:30 AM <sup>15</sup> ON 9-10-10